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OFFICE OF PETITIONS

LAHIVE & COCKFIELD, LLP
FLOOR 30, SUITE 3000
ONE POST OFFICE SQUARE
BOSTON MA 02109

In re Application of :
Deo, et al. : LETTER REGARDING PTA
Application No. 09/851,614 :
Filed: May 8, 2001 :
Atty. Dkt. No.: : CDJ-166RCE2 :

This letter is in response to the "REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT," filed June 26, 2008. The Office thanks applicants for their good faith and candor in bringing this to our attention.

The Determination of Patent Term Adjustment mailed April 17, 2008 indicated that the above-identified application was entitled to a patent term adjustment ("PTA") of 437 days. Applicants advise that the adjustment may extend the term of the patent by too many days

The correct Patent Term Adjustment ("PTA") at the time of the allowance is 345 days.

A review of the record reveals that the application was properly accorded an adjustment of 737 days under 37 CFR 1.702(a)(1).

A review of the record reveals an error in two reductions accorded the application. The reduction of 19 days in connection with a reply submitted September 24, 2003 is found to be in error. The record reveals that a reply to the sequence listing Notice mailed June 5, 2003 was timely submitted July 2, 2003. The September 24, 2003 submission is a duplicate of the July 2, 2003 submission and, thus, no reduction is appropriate. The reduction of 13 days in connection with the preliminary amendment filed October 7, 2003 is also in error. While the submission is entered in the record as a "supplemental response" to the reply to the sequence listing Notice, the submission is actually a preliminary amendment.

The reductions under 37 CFR 1.704(b) of 89 days, 92 days, and 87 days were properly accorded. However, the Office neglected to assess a reduction of 94 days under 37 CFR 1.704(b) in

connection with the request for continued examination (RCE) filed January 23, 2006. The reduction commenced October 22, 2005, the day after the date that is three months after the date that the final rejection was mailed, and ended January 23, 2006, the date that the RCE was submitted. The Office further neglected to assess a reduction of 30 days under 37 CFR 1.704(c)(8) in connection with the supplemental reply (amendment) filed February 22, 2006. The reduction commenced January 24, 2006, the day after the date that the initial reply was filed, and ended February 22, 2006, the date that the supplemental reply (amendment) was filed.

Accordingly, at the time of allowance, the application is entitled to an adjustment of 345 days (adjustment totalling 737 days less reductions totalling 392 days).

As applicants are advising us of a potential error in providing too much patent term adjustment in this application, no fee is due in connection with this matter.

The patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

This application is being forward to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3205.



Alesia M. Brown
Petitions Attorney
Office of Petitions

Enclosure: Copy of Adjustment PAIR Calculation

Day : Sunday
Date: 6/14/2009


PALM INTRANET

Time: 11:16:09

PTA Calculations for Application: 09/851614					
Application Filing Date:	05/08/2001	PTO Delay (PTO):	737		
Issue Date of Patent:		Three Years:	0		
Pre-Issue Petitions:	0	Applicant Delay (APPL):	300		
Post-Issue Petitions:	0	Total PTA (days):	345		
PTO Delay Adjustment:	-92				
File Contents History					
Number	Date	Contents Description	PTO	APPL	START
112	06/14/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		94	
111	06/14/2009	ADJUSTMENT OF PTA CALCULATION BY PTO		30	
110	06/14/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	13		
109	06/14/2009	ADJUSTMENT OF PTA CALCULATION BY PTO	19		
99	04/17/2008	MAIL NOTICE OF ALLOWANCE			
98	04/14/2008	ISSUE REVISION COMPLETED			
97	04/14/2008	DOCUMENT VERIFICATION			
96	04/14/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
95	04/14/2008	NOTICE OF ALLOWABILITY			
94	02/13/2008	DATE FORWARDED TO EXAMINER			
93	01/23/2008	RESPONSE AFTER NON-FINAL ACTION			
92	01/04/2008	MAIL NON-FINAL REJECTION			
91	01/03/2008	NON-FINAL REJECTION			
90	11/15/2007	DATE FORWARDED TO EXAMINER			
89	10/24/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
88	11/15/2007	DATE FORWARDED TO EXAMINER			
87	10/24/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)			
86	11/15/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
85	10/24/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
84	10/24/2007	MISCELLANEOUS INCOMING LETTER			
83	10/24/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
82	09/05/2007	CORRESPONDENCE ADDRESS CHANGE			

81	08/30/2007	MAIL ADVISORY ACTION (PTOL - 303)			
80	08/28/2007	ADVISORY ACTION (PTOL-303)			
79	08/20/2007	DATE FORWARDED TO EXAMINER			
78	08/15/2007	AMENDMENT/ARGUMENT AFTER NOTICE OF APPEAL			
77	06/29/2007	NOTICE OF APPEAL FILED		87	69
76	06/29/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
75	07/30/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
74	07/30/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
73	05/17/2007	MAIL ADVISORY ACTION (PTOL - 303)			
72	05/14/2007	ADVISORY ACTION (PTOL-303)			
71	04/05/2007	DATE FORWARDED TO EXAMINER			
70	03/27/2007	AMENDMENT AFTER FINAL REJECTION			
69	01/03/2007	MAIL FINAL REJECTION (PTOL - 326)			
68	12/22/2006	FINAL REJECTION			
67	09/29/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
66	09/29/2006	REFERENCE CAPTURE ON IDS			
65.7	09/29/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	62
65	09/29/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
64	09/29/2006	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
63	10/12/2006	DATE FORWARDED TO EXAMINER			
62	09/29/2006	RESPONSE AFTER NON-FINAL ACTION		92	60
61	09/29/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
60	03/29/2006	MAIL NON-FINAL REJECTION			
59	03/20/2006	NON-FINAL REJECTION			
58	12/08/2005	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
57	02/22/2006	PRELIMINARY AMENDMENT			
56	01/23/2006	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
55	01/23/2006	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			

54	01/23/2006	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
53	01/23/2006	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
52	01/23/2006	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
51	01/23/2006	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
50	01/23/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
49	01/30/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
48	01/23/2006	REFERENCE CAPTURE ON IDS			
47.7	01/23/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
47	01/23/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
46	01/30/2006	DATE FORWARDED TO EXAMINER			
45	01/23/2006	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
44	01/30/2006	DATE FORWARDED TO EXAMINER			
43	01/23/2006	REQUEST FOR CONTINUED EXAMINATION (RCE)			
42	01/30/2006	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
41	01/23/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
40	01/23/2006	WORKFLOW - REQUEST FOR RCE - BEGIN			
39	07/21/2005	MAIL FINAL REJECTION (PTOL - 326)			
38	07/18/2005	FINAL REJECTION			
37	05/11/2005	DATE FORWARDED TO EXAMINER			
36	05/03/2005	RESPONSE AFTER NON-FINAL ACTION		89	34
35	05/03/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
34	11/03/2004	MAIL NON-FINAL REJECTION			
33	10/29/2004	NON-FINAL REJECTION			
32	08/19/2004	DATE FORWARDED TO EXAMINER			
31	08/13/2004	RESPONSE TO ELECTION / RESTRICTION FILED			
30	10/29/2004	MAIL-RECORD PETITION DECISION OF GRANTED RELATED TO INVENTOR IN APPLICATION			

26	08/13/2004	WORKFLOW INCOMING AMENDMENT IFW			
25	07/19/2004	PETITION ENTERED			
24	07/19/2004	OATH OR DECLARATION FILED (INCLUDING SUPPLEMENTAL)			
23	07/19/2004	MISCELLANEOUS INCOMING LETTER			
22	07/02/2003	PRELIMINARY AMENDMENT			
21	07/19/2004	WORKFLOW INCOMING PETITION IFW			
20	07/14/2004	MAIL RESTRICTION REQUIREMENT	737		-1
19	07/13/2004	REQUIREMENT FOR RESTRICTION / ELECTION			
18	12/19/2003	CORRESPONDENCE ADDRESS CHANGE			
17	10/08/2003	DATE FORWARDED TO EXAMINER			
16	10/07/2003	SUPPLEMENTAL RESPONSE		13	14
15	10/08/2003	DATE FORWARDED TO EXAMINER			
14	09/24/2003	RESPONSE TO A LETTER TO COMPLY WITH THE SEQUENCE RULES		19	13
13	06/05/2003	MAIL LETTER REQUIRING CRF (UNREADABLE, NON-COMPLIANT, NOT SUBMITTED)			
12	06/05/2003	CRF DISKETTE UNREADABLE / DID NOT COMPLY / REQUIRED BUT NOT SUBMITTED			
11.7	07/01/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	07/01/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10.7	02/25/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	02/25/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	12/15/2001	CASE DOCKETED TO EXAMINER IN GAU			
8	11/08/2001	APPLICATION DISPATCHED FROM OIPE			
7	11/05/2001	APPLICATION IS NOW COMPLETE			
6	07/18/2001	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED			
5	07/18/2001	CORRESPONDENCE ADDRESS CHANGE			
4	06/11/2001	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
3	05/22/2001	IFW SCAN & PACR AUTO SECURITY REVIEW			
2	05/08/2001	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
1	05/08/2001	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

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